

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

MICHELLE, *et al.*,

Defendants.

Case No. 2:24-cv-1770-DAD-JDP (P)

ORDER; FINDINGS AND
RECOMMENDATIONS

Plaintiff, a former inmate in the Sacramento County Jail, brings this action against defendant Michelle, a nurse at the jail, and an unknown physician. ECF No. 14 at 2. He alleges that these defendants violated his Fourteenth Amendment right as a pretrial detainee to adequate medical care. I find that, liberally construed, plaintiff states a viable claim against defendant Michelle, but not against the unnamed physician.

Screening Order

I. Screening and Pleading Requirements

A federal court must screen the complaint of any claimant seeking permission to proceed *in forma pauperis*. See 28 U.S.C. § 1915(e). The court must identify any cognizable claims and dismiss any portion of the complaint that is frivolous or malicious, fails to state a claim upon

1 which relief may be granted, or seeks monetary relief from a defendant who is immune from such
2 relief. *Id.*

3 A complaint must contain a short and plain statement that plaintiff is entitled to relief,
4 Fed. R. Civ. P. 8(a)(2), and provide “enough facts to state a claim to relief that is plausible on its
5 face,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). The plausibility standard does not
6 require detailed allegations, but legal conclusions do not suffice. *See Ashcroft v. Iqbal*, 556 U.S.
7 662, 678 (2009). If the allegations “do not permit the court to infer more than the mere
8 possibility of misconduct,” the complaint states no claim. *Id.* at 679. The complaint need not
9 identify “a precise legal theory.” *Kobold v. Good Samaritan Reg’l Med. Ctr.*, 832 F.3d 1024,
10 1038 (9th Cir. 2016). Instead, what plaintiff must state is a “claim”—a set of “allegations that
11 give rise to an enforceable right to relief.” *Nagrampa v. MailCoups, Inc.*, 469 F.3d 1257, 1264
12 n.2 (9th Cir. 2006) (en banc) (citations omitted).

13 The court must construe a pro se litigant’s complaint liberally. *See Haines v. Kerner*, 404
14 U.S. 519, 520 (1972) (per curiam). The court may dismiss a pro se litigant’s complaint “if it
15 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
16 would entitle him to relief.” *Hayes v. Idaho Corr. Ctr.*, 849 F.3d 1204, 1208 (9th Cir. 2017).
17 However, ““a liberal interpretation of a civil rights complaint may not supply essential elements
18 of the claim that were not initially pled.”” *Bruns v. Nat’l Credit Union Admin.*, 122 F.3d 1251,
19 1257 (9th Cir. 1997) (quoting *Ivey v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982)).

20 **II. Analysis**

21 Plaintiff alleges that defendant Michelle, a nurse, and an unnamed physician provided
22 inadequate care for nausea and chest pains in August 2023. ECF No. 14 at 4. Plaintiff claims
23 that Michelle examined him after he presented with these symptoms and, despite having
24 abnormal heart readings, he was not given oxygen or medication. *Id.* Instead, Michelle
25 determined that he should be sent to an emergency room. *Id.* Admission to the emergency room
26 required notification and, presumably, approval from an on-call physician, however. *Id.*
27 Michelle allegedly called this physician but received no response. *Id.* Rather than take any
28 further action to help him, plaintiff alleges that she effectively abandoned him, and that his

1 symptoms remained untreated until he was rushed to the hospital in October 2023. *Id.* at 4-5.
2 These allegations are, for screening purposes, sufficient to state a Fourteenth Amendment denial
3 of medical care claim.

4 By contrast, plaintiff's claim against the unnamed on-call physician is inadequate to
5 proceed. The only concrete allegation against this defendant is that he or she "failed to respond"
6 to the call made on plaintiff's behalf. *Id.* This is insufficient because the complaint is bereft of
7 any concrete allegation that this failure was purposeful or knowing; there is no allegation as to
8 what this defendant did or understood.

9 This is plaintiff's third complaint, and he is no closer to stating a claim against the
10 unidentified physician. Accordingly, I will order that service be attempted on defendant Michelle
11 and recommend that the unidentified physician be dismissed.

12 Accordingly, it is ORDERED that:

13 1. Plaintiff may proceed with the Fourteenth Amendment claim against Michelle
14 deemed cognizable in this order.

15 2. The Clerk of Court shall send plaintiff a USM-285 form, a summons, a Notice of
16 Submission of Documents form, an instruction sheet, and a copy of the complaint filed March 7,
17 2025, ECF No. 14.

18 3. Within thirty days from the date of this order, plaintiff shall complete the attached
19 Notice of Submission of Documents and submit the completed Notice to the court with the
20 following documents:

- 21 a. one completed summons for the defendant;
- 22 b. one completed USM-285 form; and
- 23 c. two copies of the signed March 7, 2025 complaint.

24 4. Plaintiff need not attempt service on defendant and need not request waiver of
25 service. Upon receipt of the above-described documents, the court will direct the U.S. Marshals
26 Service to serve the above defendant pursuant to Federal Rule of Civil Procedure 4, without
27 payment of costs by plaintiff.

28 5. The failure to comply with this order may result in dismissal of this action for

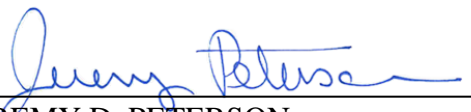
1 failure to prosecute.

2 Further, it is hereby RECOMMENDED that plaintiff's claims against the unnamed
3 physician defendant be DISMISSED for failure to state a claim.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
6 after being served with these findings and recommendations, any party may file written
7 objections with the court and serve a copy on all parties. Such a document should be captioned
8 "Objections to Magistrate Judge's Findings and Recommendations." Any response to the
9 objections shall be served and filed within fourteen days after service of the objections. The
10 parties are advised that failure to file objections within the specified time may waive the right to
11 appeal the District Court's order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*
12 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

13
14 IT IS SO ORDERED.

15 Dated: April 17, 2025

16 
17 JEREMY D. PETERSON
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD EUGENE JAMES,

Plaintiff,

v.

MICHELLE, *et al.*,

Defendants.

Case No. 2:24-cv-1770-DAD-JDP (P)

NOTICE OF SUBMISSION OF
DOCUMENTS

In accordance with the court's Screening Order, plaintiff must submit:

<u>1</u>	completed summons form
<u>1</u>	completed forms USM-285
<u>2</u>	copies of the March 7, 2025 complaint

Plaintiff

Dated: